REMARKS

Applicant thanks the Examiner for acknowledging Applicant's claim to foreign priority and receipt of the certified copy of the priority document. Responsive to the Office Action mailed on July 30, 2004 in the above-referenced application, Applicant respectfully requests amendment of the above-identified application in the manner identified above and that the patent be granted in view of the arguments presented. No new matter has been added by this amendment.

Present Status of Application

Claims 1-40 are pending. Figure 9 is objected to because of unknown characters. Claim 12 is objected to because of informalities. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, because of the lack of antecedent basis for two claim terms. Claims 1-40 stand rejected under 35 U.S.C. 102(e) as being anticipated by Kenner et al (US Patent No. 6,314,565).

In this paper, claims 1, 12, 21 and 32 are amended. Support for the amendments can be found in the original claims and throughout the specification and drawings. Claims 6, 8, 26 and 37 are cancelled. Fig. 9 is amended to remove foreign characters.

Reconsideration of this application is respectfully requested in light of the amendments and the remarks contained below.

Objections to the Drawings

Fig. 9 is amended according to the suggestion of the Examiner. It is Applicant's belief that the objections to the drawings are thereby overcome.

Objections to the Claims

Claim 12 is amended to recite "... receiving the second configuration file at the client computer ..." It is Applicant's belief that the objections to the claims are thereby overcome.

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Rejections of the Claims Under 35 U.S.C. 112

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph. In this paper, claim 1 is amended to provide antecedent basis for "the server". Claim 6 has been cancelled. Applicant submits that the rejections under 35 U.S.C. 112 are thereby overcome.

Rejections of Claims Under 35 U.S.C. 102(e)

Claims 1-40 stand rejected under 35 U.S.C. 102(e) as being anticipated by Kenner et al. The rejections are respectfully traversed for the reasons as follow.

In the present invention, the execution of an application on a client computer is performed according to program logic downloaded from a server. Thus, when changes to the execution of the application are desired, it is not necessary to download an updated version of the application. Instead, the updated program logic is downloaded from the server. In this fashion, the execution of an application on a client computer can be controlled by changing the program logic stored on a server. See page 3, lines 6-10 of the specification.

In contrast, Kenner et al teach a system and method for automated identification, retrieval, and installation of multimedia components. Specifically, Kenner et al teach the installation of codecs in multimedia software by a software updating tool. Namely, a software updating tool is used to analyze and update multimedia software with software components (i.e., codecs) located on a server, where both the software updating tool and multimedia software are located on a user terminal. See column 4, lines 27-44. In Kenner et al, the software updating tool analyzes information (i.e., the system registry) on the user terminal to determine which codecs are installed on the user terminal, and sends a request to a server based on this result. See step 218 in Fig. 2.

MPEP 2131 prescribes that to anticipate a claim, a reference must teach every element of the claim. In this regard, the Federal Circuit has held:

> "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros.*

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v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

"The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Kenner does not teach or suggest a method for dynamically loading program logic, comprising the steps of, *inter alia*, launching an application from a client computer that issues a request to a server, the client computer comprising a program interpreter, wherein the program interpreter is a browser engine ... and executing the application on the client computer in accordance with program logic in a program logic file downloaded according a configuration file received according to the request, wherein the program interpreter parses program logic of the program logic file, terminates default program logic in a default program logic file, and executes program logic in the program logic file, thereby completing application execution, as recited in claim 1.

In Kenner et al, a codec is downloaded and installed in multimedia software by a software updating tool so as to update the multimedia software. With reference to Fig. 1, column 4, lines 30-37 and column 5, lines 58-64, the office action appears to refer to the software updating tool in Kenner as the "application" recited in claim 1 and the codec as the "program logic" recited in claim 1. With reference to the limitations directed to a program interpreter found in original claim 6 (the limitations of which having been incorporated into claim 1), the office action refers to column 7, lines 6-42 and column 8, lines 30-46, which describe the querying of the system registry by the software updating software to identify which codecs are installed on the user terminal.

However, it is unclear what the Examiner considers to be the "program interpreter". Namely, the codec in Kenner et al is executed by multimedia software, presumably in accordance with the requirements of a video chip. In any case, Kenner et al does not teach or suggest a program interpreter that is a browser engine, as recited in claim 1.

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Furthermore, Kenner et al do not teach that a program interpreter parses program logic of the program logic file, terminates default program logic in a default program logic file, and executes program logic in the program logic file, thereby completing application execution. Namely, if the office action considers the codec to be the program logic and the updating software tool to be the application, Kenner et al do not teach termination of the default program logic and execution of the program logic by a program interpreter, thereby completing application execution. Instead, Kenner et al teach the installation of a codec for multimedia software by a software updating tool.

Finally, the updating software tool updates the multimedia software according to the result of a system registry query to determine what codecs are installed on the user terminal. This is different than the method described in claim 1, in which the a program interpreter parses program logic of the program logic file, terminates default program logic in a default program logic file, and executes program logic in the program logic file, thereby completing application execution.

For at least these reasons, it is Applicant's belief that claim 1 is allowable over the cited reference. Insofar as claims 2-5, 7, and 9-11 depend from claim 1, it is Applicant's belief that these claims are also allowable.

Kenner et al do not teach or suggest a method for dynamically loading program logic comprising, *inter alia*, launching an application and making a request from a client computer, wherein upon launch, a first program logic is executed, and the client computer comprises a first program logic file comprising the first program logic and a first configuration file, comprising first version recognition code corresponding to the first program logic file, as recited in claim 12.

As noted previously, the office action appears to refer to the software updating tool in Kenner as the "application" and the codec as the "program logic". Applicant submits that Kenner et al do not teach or suggest launching an application and making a request from the client computer, wherein upon launch, a first program logic is executed, and the client computer comprises a first program logic file comprising the first program logic and a first configuration file, comprising first

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version recognition code corresponding to the first program logic file, as recited in claim 12. Namely, a first codec is not executed on launch of the software updating tool.

For at least these reasons, it is Applicant's belief that claim 12 is allowable over the cited reference. Insofar as claims 13-20 depend from claim 12, it is Applicant's belief that these claims are also allowable.

Kenner et al does not teach or suggest a system for dynamically loading program logic comprising, *inter alia*, a program interpreter used to parse program logic in a received program logic file, to terminate default program logic, to execute program logic in the program logic file, and to complete an application execution, wherein the program interpreter is a browser engine and stored in the client computer storage apparatus, as recited in claim 21.

For the same reasons as noted in connection with claim 1, it is Applicant's belief that Kenner et al does not teach or suggest a system comprising a program interpreter with the features recited in claim 21. For at least these reasons, it is Applicant's belief that claim 21 is allowable over the cited reference. Insofar as claims 22-25 and 27-31 depend from claim 21, it is Applicant's belief that these claims are also allowable.

Kenner et al does not teach or suggest a system for dynamically loading program logic comprising, *inter alia*, a program interpreter used to parse second program logic in a second program logic file, to terminate first program logic, and to execute the second program logic in the second program logic file for completing an application execution, wherein the program interpreter is a browser engine and stored in the client computer storage apparatus, as recited in claim 32.

For the same reasons as noted in connection with claim 1, it is Applicant's belief that Kenner et al does not teach or suggest a system comprising a program interpreter with the features recited in claim 32. For at least these reasons, it is Applicant's belief that claim 32 is allowable over the cited reference. Insofar as claims 33-36 and 38-40 depend from claim 32, it is Applicant's belief that these claims are also allowable.
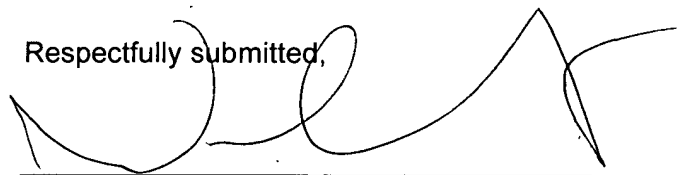
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<u>Conclusion</u>

The Applicant believes that the application is now in condition for allowance and respectfully requests so. The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to Deposit Account No. **502447**. In particular, if this response is not timely filed, then the commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 C.F.R. § 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to Deposit Account No. **502447**.

Respectfully submitted,

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AMENDMENTS TO THE DRAWINGS

The attached one (1) sheets of drawings include changes to Fig. 9.

Attachment: Replacement Sheet (1)